

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 3877 of 1998

DATE: 09-03-2007

Between :

Banoth Somla and 5 others.

... Petitioners

And

Special Deputy Collector (Land Acquisition Officer),
for exploitation of dolomite, Yellandu.

... Respondent

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 3877 of 1998

ORDER:

This writ petition is filed seeking a direction to the respondent-Special Deputy Collector (Land Acquisition Officer) for exploitation of dolomite, Yellandu (Revenue Divisional Officer, Kothagudem) to re-determine the market value of the lands, Structures, Wells etc., of the petitioners acquired vide notification, dated 20-05-1981, and Award No.3/1982, in accordance with the judgment of this Court in LPA.Nos.222 to 256 of 1989 dated 12-04-1990 after declaring the order of the respondents dated 09-07-1997 as arbitrary and illegal.

It is primarily contended by the learned counsel for the petitioners that the impugned order dated 09-07-1997 rejecting the application of the petitioner under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act') for re-determination of the compensation on the ground that the same is barred by limitation is not in conformity with the settled principles of law.

The said issue is no longer *res-integra*. It has been laid down by the Apex Court as well as this Court that it is not the date of award of the Land Acquisition Officer that has to be taken into consideration while calculating the limitation for filing a petition under Section 28-A of the Act, but the date of award passed by the Civil Court or the date of the knowledge of the award shall be taken into consideration.

It is also brought to my notice by the learned counsel for the

petitioners that in identical circumstances, W.P.No.32224 of 1997 was allowed by this Court by order dated 12-02-1997.

The said fact has not been disputed by the learned Government Pleader.

Accordingly, the impugned order dated 09-07-1997 is hereby set aside and the writ petition is allowed with a direction to the respondent to consider the petitioners' application afresh for re-determination of the amount of compensation as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. No costs.

G. ROHINI, J.

Dt. 09-03-2007
KLP

